

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VICTOR PLESCIA,

Plaintiff,

v.

Case No. 13-14347

UNITED STATES OF AMERICA,

HON. TERRENCE G. BERG  
HON. MICHAEL J. HLUCHANIUK

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 18)**

This matter is before the Court on Magistrate Judge Michael J. Hluchaniuk's June 12, 2014 Report and Recommendation (Dkt. 18), recommending that Defendant Malatinsky's motion to dismiss (Dkt. 12) be granted.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept the Magistrate's Report and Recommendation of June 12, 2014, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Hluchaniuk's Report and Recommendation of June 12, 2014 (Dkt. 18) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant Malatinsky's motion to dismiss (Dkt. 12) is **GRANTED**. Plaintiff's claims against Defendant Malatinsky are hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

Dated: August 8, 2014

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically submitted on August 8, 2014, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager